

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. CR-94-41-FHS
)	
DANNY RAY RICHARDSON,)	
)	
Defendant.)	

**WRITTEN FINDINGS REGARDING DEFENDANT'S FINAL
HEARING ON REVOCATION OF SUPERVISED RELEASE**

On October 29, 2015, this Court conducted a final hearing in this matter to determine whether the 60-month term of supervised release heretofore imposed in this case against the Defendant, Danny Ray Richardson, should be revoked. The Defendant appeared in person with his attorney, Paul Hess, and the government appeared through Chris Wilson, Assistant United States Attorney.

The Court advised the Defendant of his right to counsel, to call witnesses in his own behalf, to testify himself, and to cross examine witnesses called by the government. The Court also advised the Defendant of the range of punishment resulting from any revocation of his term of supervised release. The Court asked the Defendant if he had reviewed the Probation Officer's petition containing the alleged ground for revocation of his supervised release. The Defendant indicated he had read the petition outlining the alleged violation.

Defendant stipulated he had committed the violation set forth in the Probation Officer's Petition dated September 16, 2015 which related to a DUI arrest. Specifically, the court finds by a preponderance of the evidence that Defendant violated the following

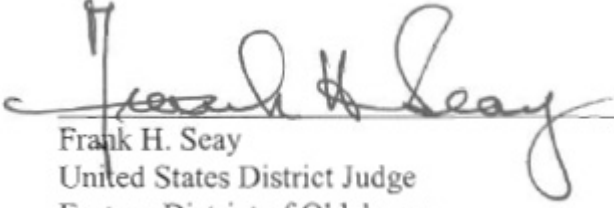
Mandatory Conditions of his supervised release when on July 19, 2014, Mr. Richardson committed the offense of driving under the influence of alcohol and failure to stop at a stop sign in Okmulgee, Oklahoma. On September 19, 2014, he was sentenced in Case CM-2014-00778, DUI Alcohol-Municipal-Misdemeanor and received a one year suspended sentence.

The Petition also set forth a violation of a Mandatory Condition concerning a physical altercation that took place on August 25, 2015. Defendant has a state criminal charge pending regarding this incident. The court received testimony of the facts and circumstances surrounding the Assault and Battery with a dangerous weapon charge pending in Okmulgee County District Court. The court found insufficient evidence of this violation.

The Court finds there is in the record information sufficient to enable the meaningful exercise of sentencing discretion in that the Court has before it the presentence report prepared on the Defendant which was utilized by this Court on December 21, 1994, in sentencing the Defendant. The Court has reviewed the report on preliminary hearing on petition to revoke supervised release filed herein by the United States Magistrate for this Court, said hearing having been waived by Defendant on September 24, 2015, and further has conducted this second or final hearing on said petition and has received the stipulation in connection with said second hearing.

The Court then afforded the Defendant and his attorney the right of allocution. Defendant and his attorney made comments. Thereafter, the Court sentenced the Defendant to 30 days in jail but gave him credit for time served. The court orders the Defendant released immediately.

It is so ordered this 29th day of October, 2015.



Frank H. Seay
United States District Judge
Eastern District of Oklahoma